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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Plaintiff PomWonderful LLC
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Submission	Stipulated/Consent Motion to Extend
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Date	07/08/2009
Attachments	91171281 Rep on Progress of Settlement - Mot for EOT.pdf (2 pages)(24844 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

POMWONDERFUL, LLC)	
)	Consolidated Opposition No.: 91171281
Opposer,)	
)	
vs.)	Marks: POMAMAZING (78/751,860)
)	POMEGREAT (78/635,298)
JARROW FORMULAS, INC.)	POMESYNERGY (78/727,050)
)	POMGUARD (78/829,128)
Applicant.)	POMOPTIMIZER (78/829,152)
_____)	POMEZOTIC (77/294,016)

**REPORT ON PROGRESS OF SETTLEMENT DISCUSSIONS AND CONSENTED
MOTION FOR EXTENSION OF ALL DISCOVERY AND TRIAL DEADLINES**

Opposer, PomWonderful LLC, with Applicant, Jarrow Formulas, Inc., respectfully jointly request an additional sixty (60) day extension of all discovery and trial dates in the above-identified opposition.

The current deadline for the discovery period to close is July 13, 2009, as set forth in the Board's Order dated May 15, 2009. The Parties respectfully request that the remaining discovery and trial dates be reset as follows:

Discovery Period to Close :	09/11/2009
Thirty-day testimony period for party in position of plaintiff to close :	12/10/2009
Thirty-day testimony period for party in position of defendant to close :	02/08/2010
Fifteen-day rebuttal testimony period to close :	03/25/2010

As grounds for this stipulated motion, the parties provide the following details regarding discovery and settlement progress since the parties' last requested extension of time:

The parties continue to be actively engaged in good faith settlement discussions. On June 17, 2009, Jarrow Formulas' counsel raised proposed modifications to the parties' settlement discussions that may fully resolve the matter, which PomWonderful is now considering.

At the same time, the parties' have moved forward with discovery. On May 29, 2009, PomWonderful served its responses and objections to Jarrow Formulas' discovery requests, and subsequently served its discovery requests on Jarrow Formulas on June 18, 2009. To facilitate the exchange of confidential business information, Jarrow Formulas provided PomWonderful with a proposed protective order. The parties plan negotiate and submit to the Board for approval in the near term. In addition, the parties have scheduled PomWonderful's 30(b)(6) deposition for the second week of August.

In order to allow time for the parties to complete outstanding discovery and to continue negotiating settlement, the parties request that the close of discovery and remaining trial deadlines be extended by sixty (60) days, to the deadlines indicated above.

This stipulated motion is made in good faith and not merely for purposes of delay.

Dated: July 8, 2009

LOEB & LOEB LLP

MCCARTHER & ENGLISH, LLP

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